

**JUDGE PRESKA**

BLANK ROME, LLP

Attorneys for Plaintiff

BEARBULK (UK) LTD.

Thomas H. Belknap, Jr. (TB-3188)

The Chrysler Building

405 Lexington Ave.

New York, NY 10174-0208

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[tbelknap@blankrome.com](mailto:tbelknap@blankrome.com)UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

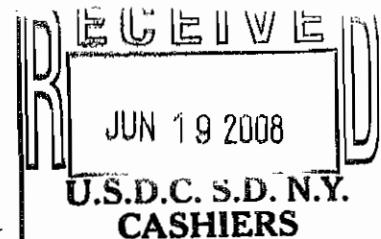
BEARBULK (UK) LTD.,

Plaintiff,

-against-

R.P. LOGISTICS LTD.

Defendant.

**VERIFIED COMPLAINT**

Plaintiff, BEARBULK (UK) LTD. ("Plaintiff"), by its attorneys Blank Rome, LLP, complaining of the above-named Defendant, R.P. LOGISTICS LTD. ("Defendant"), alleges upon information and belief as follows:

1. This is a case of admiralty and maritime jurisdiction, as hereinafter more fully appears, and is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. The Court has admiralty jurisdiction under 28 U.S.C. §1333.

2. At all material times, Plaintiff was and now is a foreign company with its offices at St. Paul's House, Warwick Lane, London EC4M 7BP, England.

3. At all material times, Defendant was and is a foreign corporation or other business entity organized with its offices at 5 Hide Road, Kolkata 700043, India, and with no place of business in the United States.

4. By a charter party dated on or about February 6, 2008, ("the Charter"), Plaintiff chartered the ocean-going cargo vessel M/V RADONEZH ("the Vessel") to Defendant.

5. In breach of the Charter, defendant has to date wrongfully failed to pay demurrage and/or other amounts due under the Charter as and when it became due in the amount of \$300,083.56, no part of which has been paid although duly demanded.

6. The Charter provides for arbitration of disputes in London. Plaintiff reserves its right to arbitrate the disputes pursuant to 9 U.S.C. § 8.

7. Maritime Arbitrators in London routinely award interest, legal fees and arbitral costs to a successful party. Plaintiff estimates it will be awarded fees and costs of \$100,000 and interest on the principal claim (at 7.5% at three monthly rests for three years) in the amount of \$74,935.78.

8. Accordingly, the total amount of Plaintiff's claims for which Plaintiff requests issuance of Process of Maritime Attachment and Garnishment is US\$475,019.34.

9. Defendant cannot be found within this district within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, but Plaintiff believes that Defendant will have property or assets, in the form of electronic funds transfers or otherwise, in the hands of garnishees in this District during the pendency of this action because defendant conducts business internationally in U.S. Dollars, and all cross-border electronic funds transfers pass through intermediary banks in the United States, primarily in New York.

**WHEREFORE**, Plaintiff prays:

A. That process in due form of law issue against the Defendant, citing it to appear and answer under oath all and singular the matters alleged in the Complaint;

B. That since the Defendant cannot be found within this District pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims, this Court issue an Order directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims, attaching all of Defendant's tangible or intangible property or any other funds held by any garnishee in the district which are due and owing or otherwise the property of the Defendant up to the amount of US\$475,019.34 to secure the Plaintiff's claims, and that all persons claiming any interest in the same be cited to appear and pursuant to Supplemental Admiralty Rule B answer the matters alleged in the Complaint;

C. That this Court enter judgment for Plaintiff's damages plus interest and costs, or retain jurisdiction over this matter through the entry of a judgment on an arbitration award.

D. That Plaintiff may have such other, further and different relief as may be just and proper.

Dated: New York, NY  
June 19, 2008

Respectfully submitted,  
BLANK ROME, LLP  
Attorneys for Plaintiff  
BEARBULK (UK) LTD.

By T.H.B.  
Thomas H. Belknap, Jr. (TB-3188)  
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**VERIFICATION**

STATE OF NEW YORK )

) ss.:

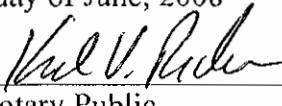
COUNTY OF NEW YORK )

Thomas H. Belknap, Jr., being duly sworn, deposes and says:

1. I am a member of the bar of this Honorable Court and of the firm of Blank Rome LLP, attorneys for the Plaintiff.
2. I have read the foregoing Complaint and I believe the contents thereof are true.
3. The reason this Verification is made by deponent and not by Plaintiff is that Plaintiff is a foreign corporation, no officer or director of which is within this jurisdiction.
4. The sources of my information and belief are documents provided to me and statements made to me by representatives of the Plaintiff.

  
Thomas H. Belknap, Jr.

Sworn to before me this  
19<sup>th</sup> day of June, 2008

  
\_\_\_\_\_  
Notary Public

KARL V. REDA  
Notary Public, State of New York  
No. 30.4783126, Qual. in Nassau Cty.  
Certificate Filed in New York County  
Commission Expires Nov 30, 2009

BLANK ROME, LLP  
 Attorneys for Plaintiff  
 BEARBULK (UK) LTD.  
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

BEARBULK (UK) LTD.,  Plaintiff,  -against-	R.P. LOGISTICS LTD.,  Defendant.
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08 Civ. 5558 (LAP)  
**AFFIDAVIT UNDER  
SUPPLEMENTAL RULE B**

STATE OF NEW YORK  COUNTY OF NEW YORK	) ) )	ss:
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THOMAS H. BELKNAP, JR., being duly sworn, deposes and says:

1. I am a member of the Bar of this Honorable Court and a member of the firm of Blank Rome, LLP, attorneys for the Plaintiff herein. I am familiar with the circumstances of the complaint and submit this affidavit in support of Plaintiff's request for the issuance of process of maritime attachment and garnishment of the property of defendant, R.P. LOGISTICS LTD. ("Defendant"), a foreign corporation, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

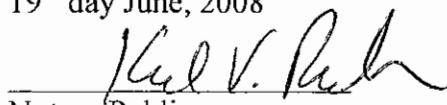
2. Defendant is a party to a maritime contract of charter party and is a foreign corporation with no office or place of business within this judicial district.

3. Under my supervision, my office did a search of the New York State Secretary of State, Division of Corporations, the Transportation Tickler, telephone assistance, and a general internet search.

4. In our search, we did not find any listing or reference to Defendant in this judicial district or the state of New York. In the circumstances, I believe Defendant cannot be found within this district.

  
THOMAS H. BELKNAP, JR.

Sworn to before me this  
19<sup>th</sup> day June, 2008

  
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